

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES HURT JR,

Plaintiff,

**DECLARATION OF
DESMOND POWER**

-against-

THE CITY OF NEW YORK, a municipal entity, NEW YORK
CITY POLICE OFFICERS "JOHN DOES" 1-2,

Index No: 2015-046446

Case No: 15-cv-07612

Defendants.

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Desmond Power declares, pursuant to 28 U.S.C. § 1746, under penalty of
perjury, that the following is true and correct:

1. I have been employed by the New York City Police Department ("NYPD") since 2004. I am currently assigned to the Strategic Technology Division as a Computer Operations Manager and have held this position since 2014. My duties include managing the installation and maintenance of Automatic Vehicle Location ("AVL") devices in the Department's Fleet, and also the backend infrastructure that the AVL devices report into. As a result of my duties, I am fully familiar with the facts set forth below.
2. This declaration is based on personal knowledge, as well as upon the books and records of the NYPD and statements made by officers and/or agents of the City of New York. This declaration is submitted at the request of the New York City Law Department ("Law Department").

3. On February 1, 2017, the Law Department requested that a search be conducted of NYPD AVL records to determine whether AVL had been installed as of July 2, 2014 in the NYPD vehicles associated with specific NYPD license plates.
4. AVL installation dates are maintained by the NYPD for all vehicles and these installation dates are not subject to the NYPD's policy of a one year retention period for AVL tracking data.
5. The license plate list, provided by the Law Department, consisted of the following license plates:

END7883

EJN2715

DPL7712

FPB2123

FPT1806

GDX5252

FPB2632

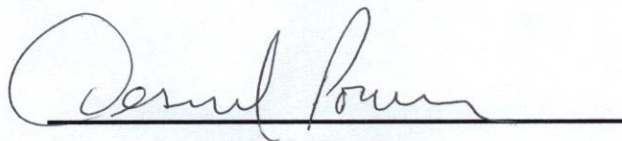
DZV3983

EFP4232

FCL8364

FHM1544

6. On February 1, 2017, I searched the NYPD AVL record system. The records showed that as of July 2, 2014, AVL had not been installed on NYPD unmarked vehicles associated with the above listed license plates.

A handwritten signature in black ink, appearing to read "Desmond Power", is written over a solid horizontal line.

DESMOND POWER

DATED: February 3, 2017
New York, New York